

228578

BEFORE THE  
SURFACE TRANSPORTATION BOARD

TOTAL PETROCHEMICALS USA, INC.

Complainant,

v.

Docket No. NOR 42121

CSX TRANSPORTATION, INC; CAROLINA  
PIEDMONT DIVISION; GEORGIA  
WOODLANDS RAILROAD, LLC;  
MADISON RAILROAD; MOHAWK,  
ADIRONDACK & NORTHERN RAILROAD  
CORP.; NASHVILLE AND EASTERN  
RAILROAD CORP.; NEW HOPE &  
IVYLAND RAILROAD; PIONEER VALLEY  
RAILROAD; R.J. CORMAN RAILROAD  
COMPANY (MEMPHIS); SEMINOLE  
GULF RAILWAY L.P.; SEQUATCHIE  
VALLEY RAILROAD COMPANY; AND  
SOUTH BRANCH VALLEY RAILROAD

Defendants.

CERTIFICATE OF SERVICE

In an order served on December 30, 2010, the Board directed TOTAL PETROCHEMICALS USA, INC. ("TPI") to re-serve its Second Amended Complaint upon the Chief Legal Officers of all defendants in the above-captioned proceeding, except CSX Transportation Inc. ("CSXT"), by January 4, 2011 (collectively "Short Line Defendants"). TPI hereby certifies its compliance with the Board's order, as more specifically set forth herein.

First, prior to receiving the Board's order to re-serve the Short Line Defendants, TPI was preparing to file a Motion to Dismiss five of the Short Line Defendants, and a Third Amended

Complaint to reflect changes required by those dismissals.<sup>1</sup> Therefore, TPI has complied with the Board's order by serving its Third Amended Complaint and corresponding Motion to Dismiss, rather than its Second Amended Complaint.

Second, because several of the Short Line Defendants do not have Chief Legal Officers, TPI is unable to comply with that aspect of the Board's order. However, those Short Line Defendants which already are represented by counsel in this proceeding have authorized their counsel to accept service on their behalf. Therefore, where a Short Line Defendant has authorized service upon its counsel in this proceeding, TPI has served that counsel. Where a Short Line Defendant is not represented by counsel in this proceeding and TPI has been unable to identify a Chief Legal Officer, TPI has served an officer of the company (e.g. President).

Within the parameters outlined above, TPI hereby certifies that it has complied with the Board's December 30 Order, by serving its Third Amended Complaint and Motion to Dismiss upon the following parties:

**Via e-mail and first-class mail to:**

<p>G. Paul Moates Paul Hemmersbaugh Sidley Austin LLP 1501 K Street, NW Washington, DC 20005</p> <p>pmoates@sidley.com phemmersbaugh@sidley.com</p> <p><i>Counsel for CSXT</i></p>	<p>Eric Hocky Thorp Reed &amp; Armstrong LLP One Commerce Square 2005 Market Street, Suite 1000 Philadelphia, PA 19103</p> <p>ehocky@thorpreed.com</p> <p><i>Counsel for New Hope &amp; Ivyland Railroad; Seminole Gulf Railway, LP;</i></p>
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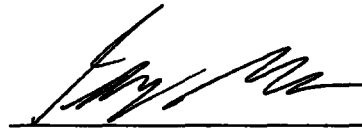
<sup>1</sup> The dismissed Short Line Defendants are Georgia Woodlands Railroad, LLC ("GWRC"); Nashville and Eastern Railroad Corporation ("NERR"); Pioneer Valley Railroad ("PVRP"); Seminole Gulf Railway L.P. ("SGLR"); and South Branch Valley Railroad ("SBVR"). TPI also is in discussions with four additional Short Line Defendants that could result in their dismissal. The only two Short Line Defendants which have not engaged in negotiations with TPI are the Mohawk, Adirondack & Northern Railroad and R.J. Corman Railroad Company (Memphis).

<p>Louis E. Gitomer Law Offices of Louis E. Gitomer 600 Baltimore Avenue Suite 301 Towson, MD 21204 Lou @lglrail.com</p> <p>Scott G. Williams Esq. Senior Vice President &amp; General Counsel 7411 Fullerton Street, Suite 300 Jacksonville, FL 32256 email: scott.williams@railamerica.com</p> <p><i>Counsel for Carolina Piedmont Division, South Carolina Central Railroad Company</i></p>	<p>Thomas J. Litwiler Fletcher &amp; Sippel LLC Suite 920 29 North Wacker Drive Chicago, IL 60606-2832 tlitwiler@fletcher-sippel.com</p> <p><i>Counsel for Pioneer Valley Railroad Company, Inc.</i></p>
<p>David W. Lawrence Suite A 501 Park Avenue Lebanon, TN 37087 davelawrence@birch.net</p> <p><i>Counsel for Nashville &amp; Eastern Railroad Corporation</i></p>	<p>Karl Morrell Matthew Hoyer Ball Janik LLP Suite 225 1455 F Street, NW Washington, DC 20005 kmorrell@dc.bjllp.com</p> <p><i>Counsel for Georgia Woodlands Railroad, LLC</i></p>
<p>David F. Rifkind Leonard, Street and Deinard 1350 I Street, NW, Suite 800 Washington, DC 20005 david.rifkind@leonard.com</p> <p><i>Counsel for Madison Railroad</i></p>	<p>John Herbrand General Counsel Mohawk, Adirondack &amp; Northern Railroad Corp. 1 Mill Street, Suite 101 Batavia, NY 14020 jsh@herbrandlaw.com</p>
<p>R.J. Corman Railroad Group Attn. Bill Henderson P.O. Box 788 Nicholasville, KY 40340 bill.henderson@rjcorman.com</p> <p><i>Designated representative of R.J. Corman Railroad Company (Memphis)</i></p>	

**Via overnight carrier to:**

Sequatchie Valley Railroad Attn. Dick Abernathy (President) 595 Minkslide Road Shelbyville, TN 37160	Lucinda K. Butler, Director South Branch Valley Railroad 120 Water Plant Drive Moorefield, WV 26836
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Respectfully submitted,



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January 4, 2011